

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Lawrence W. Luttrell
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In Re:

Minsoo Chu

Case No.: 16-33501

Chapter: 13

Hearing Date: August 15, 2017

Judge: Hon. Michael B. Kaplan

**NOTICE OF MOTION TO DISMISS
CHAPTER 13 AND CHAPTER 7 BANKRUPTCY CASE**

PLEASE TAKE NOTICE that on **August 15, 2017** at 10:00 A.M. or as soon thereafter as he may be heard, the Debtor, through his undersigned attorney shall move before the Honorable **Michael B. Kaplan**, United States Bankruptcy Judge, at the United States Court House, **402 East State Street, Trenton**, New Jersey, for the entry of an Order **Dismissing the case from a Chapter 13 and Chapter 7**; and (ii) granting such other and further relief as this Court deems just and equitable.

PLEASE TAKE FURTHER NOTICE that, in support of the Motion, the Debtor shall rely upon the Certification and Proposed form of Order filed concurrently herewith. The Debtor submits that no separate memorandum of law is necessary because the applicable law is adequately set forth in the supporting Certification and/or generally known.

PLEASE TAKE FURTHER NOTICE that any objections to the relief requested above shall (i) be in writing; (ii) specify with particularity the basis of the objections; and (iii) be filed with the Clerk of the United States Bankruptcy Court (a) electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the General Order Regarding Electronic Means for Filing, Signing, and Verification of Documents, dated March 27, 2002 (the “General Order”) and the Commentary Supplementing Administrative Procedures, dated as of March 2004 (the “Supplementary Commentary”) (the General Order, Supplemental Commentary and the User’s Manual for the Electronic Case Filing System can be found at www.njb.uscourts.gov, the official website for the Bankruptcy Court, and (b) in hard copy by all other parties-in-interest, and shall simultaneously be served on the Law Offices of Lawrence W. Luttrell, PC, 2137 State Route 35, 3rd Floor, Holmdel, New Jersey 07733 (**Attn: Lawrence W. Luttrell**), in accordance with the General Order and the Supplemental Commentary, to be presented at the hearing.

PLEASE TAKE FURTHER NOTICE that, pursuant to D.N.J. LBR 9013-1(d), any opposition must be filed in accordance with **D.N.J. LBR 9013-1**.

PLEASE TAKE FURTHER NOTICE that oral argument is requested, if contested.

Dated: July 11, 2017

Law Offices of Lawrence W. Luttrell, PC

/s/Lawrence W. Luttrell
By: Lawrence W. Luttrell

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**CERTIFICATION OF DEBTOR IN SUPPORT OF MOTION
TO CONVERT CASE TO A CHAPTER 13**

Lawrence W. Luttrell, hereby certify as follows:

1. I am the attorney for the Debtor in the above matter and personally aware of the facts set forth in this certification. I submit this Certification in support of an application to dismiss the bankruptcy from a Chapter 13 and a Chapter 13.

2. The debtor owns, with his wife, the real property known as 43 Springhouse Circle, Manalapan, NJ (hereinafter referred to as the “property”).

3. The debtor has been residing overseas in South Korea as a result of his employment for several years while his wife and children continued to reside in the Property.

4. On behalf of the debtor, I filed a Chapter 7 bankruptcy on December 9, 2016. The filing was done on an emergent basis in order to avoid a Sheriff Sale of the property that was scheduled to take place on December 12, 2016. As a result of the haste in filing, the debtor inadvertently instructed me to file for chapter 7 bankruptcy protection rather than for chapter 13 bankruptcy protection.

5. Accordingly, on behalf of the debtor I filed a motion and was granted an order to convert the bankruptcy case to a chapter 13 so as to provide the debtor the opportunity to avoid losing the property in a foreclosure sale.

6. As a result of the conversion, the debtor entered into a contract to sell the property to a third party which requires the lender to consent to a short sale payoff because the mortgage debt exceeds the equity of the property.

7. The lender is prepared to approve the short sale, but has requested that the debtor file a motion to approve the short sale with the bankruptcy court.

8. Unfortunately, the continuation of the bankruptcy has stopped because the paystubs supplied by the debtor to the Trustee are in Korean. The debtor is unable to have his employer provide English versions of his paystubs.

9. In addition, the debtor is limited in his ability to travel to a 341 hearing due to his overseas employment. Although the debtor traveled to the U.S. in June to attend a 341 hearing, the date was adjourned by the office of the Chapter 13 Trustee because of the missing paystubs. The debtor has returned to Korea and cannot return to the U.S. until later December.

10. Accordingly, neither the debtor respectfully requests that the bankruptcy be dismissed.

11. Since the case was originally filed as a Chapter 7, the order converting the case to a Chapter 13 requires that the case be reconverted back to a Chapter 7 upon a dismissal of the Chapter 13. However, reconversion of the case to a Chapter 7 will cause the debtor to suffer a great hardship for the reasons cited above.

12. The debtor does not own any non-exempt assets that would be available for distribution to creditors in a chapter 7 case and no creditors would be prejudiced by the dismissal without reconversion back to a chapter 7.

13. Therefore, it is respectfully requested that the Court also amend the reconversion Order entered in the above matter and dismiss the case entirely.

14. I certify that the foregoing statements are true. I am aware that if the foregoing statements are willfully false, I am subject to punishment.

Dated: July 10, 2017

S/Lawrence W. Luttrell, Esq.
Lawrence W. Luttrell, Esq.
Attorney for the Debtor

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CERTIFICATION THAT NO BRIEF IS NECESSARY

I hereby certify that no memorandum of law is necessary because no novel issues of law are present and the Application is otherwise supported by citations to authorities herein or is otherwise readily known by the Court.

LAW OFFICES OF LAWRENCE W. LUTTRELL
Attorney for Debtor, Minsoo Chu

Date: 07/10/2017

By: /s/ Lawrence W. Luttrell
Lawrence W. Luttrell, Esq.

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ORDER DISMISSING BANKRUPTCY CASE

The relief set forth on the following page, numbered two (2), is hereby
ORDERED.

Upon the motion of Minsoo Chu and for good cause shown, it is

ORDERED that this case is hereby Dismissed. and it is further

ORDERED that the Order previously requiring the dismissed Chapter 13 case to be reconverted to a Chapter 7 is hereby amended and set aside.